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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/517,043

Applicant(s)

BRINKERHOFF, RICHARD

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 18-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 18-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. The following is a non-final office action in response to communications received 03/17/04. Claims 1, 3, 5, 7-9, 18, 20-21, 29, 36 and 38 have been amended. Claims 1-13 and 18-40 are now pending.

#### ***Response to Arguments***

2. Applicant's arguments with respect to the references Sheff ("Mr. Satisfaction"), Hiam (Marketing for Dummies), and InstantSurvey (NetReflector) and to the § 103 rejections of the previous office action have been considered, but are moot in view of the new grounds of rejection, set forth below.

3. Applicant's arguments with regard Klingman (U.S. 5,950,172) have been fully considered but they are not persuasive. In the remarks, Applicant argues that (1) Klingman does not teach or suggest a textual review or that the textual review is displayed to other customers, (2) since the "score" button is always present on the interface, Klingman does not take into account an evaluation period and therefore does not select a time for requesting a review of the purchased item, wherein the time is selected at least in part on the estimated evaluation period, (3) Klingman does not teach or suggest inferring when the customer has evaluated the item or providing over the network an electronic review request in response to at least the inference at a time spaced apart from the order, (4) Klingman does not expressly disclose rating a seller, (5) Klingman allows a buyer to submit a review as soon as a book is purchased, even before the item is delivered, and therefore does not teach or suggest using different survey timings based on how long it takes consumers to read books (i.e. claim 26) and instead uses the same timing for every

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type of item, and (6) Klingman does not teach or suggest a method where the inference is based at least on an estimation of how long it will take to evaluate the purchased item (i.e. claim 24).

In response to argument (1) of the Applicant, Examiner respectfully disagrees. Klingman teaches that a buyer of a purchased item can enter rating information and comments into the electronic form. The rating information and comments relating to the product are stored in the system and displayable to the next buyer. See at least figures 5, 8C, and 8D, column 11, lines 1-7 and 30-45, column 13, lines 9-15 and 40-49, column 14, lines 27-30, column 18, lines 1-10, and column 21, lines 10-20. Examiner points out that “comments” are written notes intended as an explanation, a statement of fact or opinion, especially a remark that expresses a personal reaction or attitude (i.e. words).

In response to argument (2) of the Applicant, examiner points out that this limitation was rejected under 35 USC § 103. Examiner asserts that Klingman teaches setting a time to allow a review request of a consumer, wherein the time is selected based on an estimated evaluation period. Examiner maintains that Klingman receives a customer order for a product over a network and then sets a time to allow a review request of a consumer based on an estimated evaluation period (i.e. Klingman sets the time just after purchase as the time for the requested reviews. Klingman has set this time based on an expected evaluation period of use, but “set the time to allow a review request” to occur at just after purchase). Examiner then stated that Klingman does not expressly disclose selecting a time to request a review or providing the communication based at least in part on the selected time. Examiner relied on Geerlings to teach this limitation. This is a new grounds of rejection and is set forth below. Examiner further suggest that if something more specific is meant by “selecting a time” or “selected at least in on

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estimated evaluation period” it should be clearly recited in the claim to receive patentable weight.

In response to argument (3) of the Applicant, Examiner respectfully disagrees. Examiner points out that “inferring” means the act or process of deriving conclusions from premises known or assumed to be true. Examiner further points out that there is no recitation in claim 18 as to how this “inferring” occurs (i.e. in someone’s head, randomly, using specific formulas, facts, or functions, etc.). This point is further expressed in the 35 USC § 101 and § 112 rejections that follow. Therefore, Klingman does teach “inferring when the customer has evaluated the item” when it assumes that the customer is ready to evaluate the item after purchase. Klingman states that after an assumed period of use the customer the customer will evaluate the quality of a purchased item, but infers that the review request would be made available at the time just after purchase. Furthermore, Klingman does “provid[e] over the network an electronic review request in response to at least the inference at a time spaced apart from the order, wherein the review request requests that the customer provide a review of the purchased item and includes a link to an electronic review form” by providing a review request (i.e. a linked button asking for a rating) that is accessible at a time after the order. By clicking on the button, the user is linked to an electronic review form.

In response to argument (4) of the Applicant, Examiner respectfully disagrees. In column 21, lines 10-25, Klingman states that “the buyer provides rating information corresponding to the degree of the buyer’s satisfaction with the purchased product and perhaps some comments relating to the product and transmits the same to the seller’s system. [...] The seller’s system records the rating information provided by the buyer and subsequently updates his/her latest

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scoring information in order to maintain the most recent scoring information for the purpose of presenting the same to the next buyer". Examiner further points out that Klingman teaches rating and the means for rating an item as a way of punishing or rewarding, as stated in column 1, lines 36-47, and column 9, lines 44-46. Therefore, since the customer is rating the product, the rating presented on the site of the seller, and since it was old and well known at the time of the invention to rate the seller of a purchased item, Examiner maintains that it would have been obvious to one of ordinary skill in the art at the time of the invention to rate the seller of the item directly.

In response to argument (5) of the Applicant, Examiner respectfully disagrees. First, claim 26 recites that an inference is made based on a customer survey on how long it takes consumers to read books. As discussed in response to argument (3), it is not clear as to how this "inference" occurs (i.e. in someone's head, randomly, using specific formulas, facts, or functions, etc.). Second, there is no recitation in either claim 26 or claim 18 that states that the item purchased is a book, and therefore it is further unclear as to why an inference for an item is made based on a survey relating to specifically books. Third, examiner rejected claim 26 under 35 USC § 103 stating that while Klingman does disclose a purchase, an inference about review after purchase, a period of use of a purchased item being needed for a customer to come to an opinion about the quality of the purchased item, and that the item purchased being a book or other item in at least column 8, lines 22-25, column 9, lines 9-13 and 41-46, column 12, lines 35-42, and column 20, lines 55-59, Klingman does not expressly disclose the inference being based at least on a customer survey of how long it takes consumers to read books. Since there is no specific recitation of how the inference occurs and no specific recitation that the purchased item

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is a book, examiner maintains her rejection and that it would have been obvious to one of ordinary skill in the art at the time of the invention to make an inference based on a consumer survey about books in order to form an opinion based on a consumer survey about the length of time it takes consumers to read books because doing so would provide the estimator with more accurate information with which to base his/her estimations. Consumer surveys are old and well known in the art.

With regards to Klingman using the same timing for every type of item, Examiner points out that she relied upon Geerlings to teach different communication timings based on the specific type of item purchased. See at least column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 13, lines 45-55, wherein a communication is sent to a consumer at a certain scheduled amount of time after the purchase of a specific item. Therefore, Examiner maintains that Klingman and Geerlings do teach and suggest these aspects of the Applicant's invention, as set forth below.

In response to argument (6) of the Applicant, Examiner respectfully disagrees. First, Examiner again points out the discussion above with regards to argument (3). To reiterate, there is no recitation in claim 18 as to how "inferring" occurs (i.e. in someone's head, randomly, using specific formulas, facts, or functions, etc.). Therefore, Klingman does teach "inferring when the customer has evaluated the item" when it assumes that the customer is ready to evaluate the item after purchase. Klingman states that after an assumed period of use the customer the customer will evaluate the quality of a purchased item, but infers that the review request would be made available at the time just after purchase. Claim 24 states that the inference is based at least in part on an estimation of how long it will take to evaluate the purchased item. Again, Klingman

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makes the judgment that after the user purchase the item, the purchaser would be able to assess and rate the purchased item.

4. Applicant's arguments with regard to Klingman and Chislenko (U.S. 6,092,049) have been fully considered but they are not persuasive. In the remarks, applicant argues that (7) neither Klingman or Chislenko teach or suggest presenting the user a list of purchased items and asking the customer if he/she wants to review one or more of the items.

In response to argument (7) of the Applicant, Examiner reminds the Applicant that this limitations was rejected under 35 USC § 103, wherein Klingman was relied upon to teach the purchase and record of an item, which would later be rated, and Chislenko was relied upon to teach presenting a saved list of ratable items to the customer, including recordings, movies, novels, etc., from which the customer can choose items to be rates, as stated in at least column 3, lines 5-14, and column 4, lines 5-15. Examiner points out that she never asserted that the saved list of items were purchased items of the customer's, just that the customer would rate the items presented in the list. Examiner maintains her rejection, as set forth below.

#### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18-35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

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- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract that do not apply, involve, use, or advance the technological arts fail to promote the “progress of science and the useful arts” (i.e. the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case, claims 18-35 are within the technological arts.

Additionally, for a claimed invention to be statutory, the claimed invention must also produce a useful, concrete, and tangible result. In the present case, claims 18-35 are not deemed to be concrete because these claims do not produce a repeatable result. Claim 18 recites “inferring when the customer has evaluated the item”. The term “inferring” is a subjective term and is not definite and concrete. Inferring may be done using a computer or merely in someone’s mind and does not produce a repeatable and specific time-based quantity that would allow one of ordinary skill to request the review of claims 18-35 without undue experimentation or in a repeatable manner. Therefore, it is respectfully submitted that the invention, as claimed, is not useful, concrete, and tangible.

Though the claimed invention of claims 18-35 is within the technological arts, since the claimed invention does not produce a useful, concrete, and tangible result, claims 18-35 are deemed to be directed towards non-statutory subject matter.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18, 24, 26, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 18 recites “inferring when the customer has evaluated the item”. This limitation is indefinite because the act of inferring is not a distinct and exact action and therefore it is unclear what is specifically occurring the claim. Inference is a subjective term. Inferring may be done using a computer or merely in someone’s mind and inferring does not produce a repeatable and specific time-based quantity that satisfies the term “when” of the limitation. Clarification is required.

8. Claim 24 recites “how long it will take to evaluate the purchased item”. It is unclear as to what the term “it” is referring. For examination purposes, the claim has been construed as --how long the evaluation of the purchased item will take--. Correction is required.

9. Claim 26 recites “how long it takes to consumers to read books”. It is unclear as to what the term “it” is referring. For examination purposes, the claim has been construed as --how long consumers take to read books--. Correction is required.

10. Claim 30 recites “an estimated time it will take the customer to drive a first amount”. It is unclear as to what the term “it” is referring. For examination purposes, the claim has been construed as -- an estimated time for the customer to drive a first amount --. Correction is required.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**12. Claims 18-20, 24, and 35 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Klingman (U.S. 5,950,172).**

13. As per claim 18, Klingman teaches a method of requesting a review of a purchased item, the method comprising:

receiving over a network customer orders for an item purchased (See column 6, lines 1-10 and 35-39, column 48-51 and 61-64, column 11, lines 4-18, and column 14, lines 11-12, 22-24, 27-30, and 41-46, all of which disclose receiving customer orders for an item purchased from an electronic catalog. Identifications about these orders are stored in a table);

inferring when the customer has evaluated the item (See column 8, lines 22-25, and column 9, lines 9-13 and 41-46, and column 20, lines 55-59, which discuss that at least after purchase and after an assumed period of use the customer has evaluated the quality of a purchased item);

providing over the network an electronic review request in response to at least the inference at a time spaced apart from the order, wherein the review request requests that the customer provide a review of the purchased item and includes a link to an electronic review form (See figure 8c, column 4, lines 20-25 and 55-62, column 10, lines 40-41, and column 11, lines 4-10, which disclose providing a review request at a time after purchase/ordering (after verifying that the customer has previously purchased the item, thus the system knows that the customer has had the opportunity to use the item and come to an opinion about its quality), said review request asks the customer to provide feedback (a review) about their impression of the item); and

receiving the review electronically via the electronic review form (See at least figure 8c, column 4, lines 20-25 and 55-62, column 10, lines 40-41, and column 11, lines 9-18, which describes the electronic receipt of rating information from the customer).

14. As per claim 19, Klingman disclose a method further comprising verifying that the received review is from a customer that ordered the item (See column 4, lines 20-24 and 55-62, column 6, lines 7-10 and 35-39, column 8, lines 19-25, column 10, lines 55-58, and column 11, lines 9-20, all of which talk about verifying the identity of the reviewer before allowing the reviewer to enter a score. See also column 5, lines 3-6, column 10, lines 58-65, which discloses verifying that the review is from a purchaser who has not yet rated the item (thus not allowing a user to provide more than one rating)).

15. As per claim 20, Klingman teaches a method wherein the review is a textual review including a plurality of words entered by the customer, and further comprising of presenting the received textual review to other customers in conjunction with an indication that the textual review is from a purchaser of the item (Once the reviews are entered, the reviews are presented to other customers in the context that the review comes from a purchaser of the reviewed item. See figure 5, column 5, lines 56-59, column 8, lines 19-27 and 33-38, column 9, lines 30-35 and 41-46, column 12, lines 18-30 and 50-63. See also column 14, lines 27-30, column 11, lines 1-7, column 12, lines 18-30 and 51-63, column 13, lines 9-15 and 40-49, column 18, lines 1-10, column 20, lines 6-9, and column 21, lines 10-20, which disclose presenting a customer interested in said item with a review by a purchaser of said item).

16. As per claim 24, Klingman disclose a method where the inference is based at least on an estimation of how long it will take to evaluate the purchased item (See at least column 8, lines 22-25, column 9, lines 9-13 and 41-46, and column 20, lines 55-59, which discusses that after purchased and item and after a period of use the customer has evaluated the quality of a purchased item).

17. As per claim 35, Klingman discloses a method wherein the review includes a textual review (See at least figure 5, column 11, lines 1-7, column 12, lines 18-30 and 51-63, column 13, lines 9-15 and 40-49, column 18, lines 1-10, and column 21, lines 10-20, wherein the review includes textual reviews).

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**19. Claims 1-4, 6, 9-13, 22, 23, 25, 27, 30-34, and 36-40 are rejected under 35 U.S.C.**

**103(a) as being unpatentable over Klingman (U.S. 5,950,172) in view of Geerlings (U.S. 5,956,693).**

**20. As per claim 1, Klingman teaches a method of encouraging customers to provide reviews of purchased items, the method comprising:**

receiving over a network an order from a first customer for an item purchased from an electronic catalog (See column 6, lines 1-10 and 35-39, column 48-51 and 61-64, column 11, lines 4-18, and column 14, lines 11-12, 22-24, 27-30, and 41-46, all of which disclose receiving customer orders for an item purchased from an electronic catalog. Identifications about these orders are stored in a table);

estimating that the first customer will have at least initially evaluated the item (See column 8, lines 22-25, and column 9, lines 9-13 and 41-46, and column 20, lines 55-59, which discuss that after a period of use the customer has evaluated the quality of a purchased item);

initiating an electronic transmission, based at least in part on the estimated date, to the first customer on or after the estimated date requesting the first customer to provide a review of the item to thereby encourage the first customer to provide at least one review, wherein the transmission includes a link to an electronic review form and activation of the link by the first customer causes the review form to be presented to the first customer (See at least figure 5, column 4, lines 20-25 and 55-62, column 9, lines 5-35 and 40-65, column 10, lines 40-41, and column 11, lines 1-10, which disclose providing a review request at a time after

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purchase/ordering (after verifying that the customer has previously purchased the item, thus the system knows that the customer has had the opportunity to use the item and come to an opinion about its quality), said review request asks the customer to provide feedback (a review) about their impression of the item. The system electronically transmits and links between the interfaces of the system);

receiving the review from the first customer electronically (See column 4, lines 20-25 and 55-62, column 10, lines 40-41, and column 11, lines 9-18, which describes the electronic receipt of rating information from the customer); and

individually presenting the first customer review in a group of reviews to a second customer interested in the item (See at least figure 5, column 9, lines 30-35 and 41-46, column 11, lines 1-7 and 30-45, column 12, lines 18-30 and 50-63. See also column 5, lines 56-59, column 8, lines 19-27 and 33-38, column 20, lines 6-9, and column 14, lines 27-30, which disclose presenting a customer interested in said item with a review by a purchaser of said item).

However, Klingman does not expressly disclose estimating a date for the communication to take place based at least on the item type and initiating the communication on or after this date, the message including a link to another forming that causes the form to be presented.

Geerlings teaches sending a communication to a consumer a certain determined amount of time after the purchase of a specific item, initiating the communication, and the communication channel of the communication message (See at least column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 13, lines 45-55, wherein a communication is sent to a consumer at a certain scheduled

amount of time after the purchase of a specific item. The communication may include email, email files, electronic documents, web pages, etc.).

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item. Geerlings discloses scheduling and planning communications with customers at a certain period of time after the purchase of a specific product. It would have been obvious to one of ordinary skill in the art at the time of the invention to send out the review request of Klingman using the communication planning and scheduling system of Geerlings in order to more efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers. See at least column 3, lines 25-40, of Geerlings.

Furthermore, Geerlings discusses sending communications by the preferred means of the consumer. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to send an electronic message to the consumer with a link to a web page in order to efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers. See at least column 3, lines 25-40, of Geerlings.

21. As per claim 2, Klingman discloses the review is a numerical rating (See column 12, lines 22-24, column 13, lines 19-25, which disclose the review as a numerical rating).

22. As per claim 3, Klingman discloses a method wherein the review includes a textual review comprising a plurality of words provided by the first customer (See at least figure 5, column 11, lines 1-7, column 12, lines 18-30 and 51-63, column 13, lines 9-15 and 40-49, column 18, lines 1-10, and column 21, lines 10-20, wherein the review includes textual reviews).

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23. As per claim 4, Klingman discloses a method wherein the review is a textual review, and in conjunction with presenting the review to other customers, indicating that the review comes from a purchaser of the reviewed item (Once the reviews are entered, the reviews are presented to other customers in the context that the review comes from a purchaser of the reviewed item. See at least figure 5, column 5, lines 56-59, column 8, lines 19-27 and 33-38, column 9, lines 30-35 and 41-46, column 11, lines 1-7, column 12, lines 18-30 and 51-63, column 13, lines 9-15 and 40-49, column 14, lines 27-30, column 18, lines 1-10, and column 21, lines 10-20, wherein the review includes textual See column 12, lines 18-30 and 50-63, which disclose presenting a customer interested in said item with a review by a purchaser of said item).

24. As per claim 6, Klingman teaches a review request (See at least figure 5, column 4, lines 20-25 and 55-62, column 9, lines 5-35 and 40-65, column 10, lines 40-41, and column 11, lines 1-10, which disclose providing a review request at a time after purchase/ordering). However, Klingman does not expressly disclose that the review request is provided via e-mail.

Geerlings discloses that the electronic communication after purchase is provided via e-mail (See at least column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 13, lines 45-55, wherein a communication is sent to a consumer at a certain scheduled amount of time after the purchase of a specific item. The communication may include email, email files, electronic documents, web pages, etc.).

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item. Geerlings discloses scheduling and planning communications with customers at a certain period of time after the purchase of a specific product and sending communications by the preferred means of the consumer. It is old

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and well-known that merchants send review requests to consumers that have purchased and used their products. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to send an electronic message to the consumer with a link to a web page in order to efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers. See at least column 3, lines 25-40, of Geerlings.

25. As per claim 9, Klingman teaches a method wherein the link is a hyperlink to the review form (See at least figures 5 and 8c, column 4, lines 20-25 and 55-62, column 9, lines 5-35 and 40-65, column 10, lines 40-41, and column 11, lines 1-10, which discloses links between the interfaces of the system).

26. As per claim 10, Klingman teaches a customer providing a review of a purchased item (See column 4, lines 20-25 and 55-62, column 10, lines 40-41, and column 11, lines 9-18, which describes the electronic receipt of a review of a purchased item from the customer. See at least figure 5, column 9, lines 30-35 and 41-46, column 12, lines 18-30 and 50-63. See also column 5, lines 56-59, column 8, lines 19-27 and 33-38, column 20, lines 6-9, and column 14, lines 27-30, which disclose presenting a customer interested in said item with a review by a purchaser of said item). However, Klingman does not expressly disclose using a collaborative filter which provides the customer personalized recommendations for items similar to the purchased item.

Geerlings discloses using a collaborative filter which provides the customer personalized recommendations for items similar to the purchased item (See at least column 1, lines 5-15, column 2, lines 20-40, column 3, lines 20-35, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, column 7, lines 50-67, column 10, lines 35-50, and column 13, lines 45-55, wherein filters look at what is purchased and buying behavior and create communications and

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recommendations to be targeted. For example, if a customer of a bank has a certain checking account, a special offer or money market account would be communicated to him/her).

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item. Geerlings discloses scheduling and planning communications with customers based on specific product purchases or behaviors, such as complaints. It would have been obvious to one of ordinary skill in the art at the time of the invention to send out personalized recommendations based on purchases and communications in the system of Klingman using the communication planning and scheduling system of Geerlings in order to more efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers. See at least column 3, lines 25-40, of Geerlings.

27. As per claim 11, Klingman teaches a method further comprising providing the customer a request to review an item associated with the electronic catalog, the review of the item serving as a measure about the seller of said item, on or after the estimated period (See column 1, lines 36-47, wherein the item's review speaks about the quality of the seller of the item. See also column 9, lines 44-46, which discusses reviewing an item to punish the seller of said item for poor quality. See also column 6, lines 1-10 and 35-39, column 48-51 and 61-64, column 11, lines 4-18, and column 14, lines 11-12, 22-24, 27-30, and 41-46, which disclose the item being purchased via an electronic catalog).

However, Klingman does not expressly disclose directly reviewing an item seller or an estimated date for the communications.

Geerlings teaches sending a communication to a consumer a certain determined amount of time after the purchase of a specific item (See at least column 1, lines 5-15, column 2, lines 20-

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40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 13, lines 45-55).

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item. Geerlings discloses scheduling and planning communications with customers at a certain period of time after the purchase of a specific product. It would have been obvious to one of ordinary skill in the art at the time of the invention to send out the review request of Klingman using the communication planning and scheduling system of Geerlings in order to more efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers. See at least column 3, lines 25-40, of Geerlings.

Furthermore, Klingman discusses a customer who purchased a product expressing his/her feelings about the seller of a product. Klingman further provides means for the customer to include comments. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the customer to directly rate an item seller to reflect the customer's opinion of the seller because doing so would streamline the method and make the scores easier to understand by showing the feelings of the customer about the seller in a less convoluted manner.

28. As per claim 12, Klingman discloses reviews by customers (See column 4, lines 20-25 and 55-62, column 10, lines 40-41, and column 11, lines 9-18). However Klingman does not expressly disclose receiving at least one e-mail address provided by the first customer, the email address being that of a person other than the first customer, and forwarding the review to the e-mail address. Klingman further does not disclose that the item is a gift for the person other than the first customer.

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Geerlings discloses receiving at least one e-mail address provided by the first customer, the email address being the preferred communication channel of the user, and forwarding the communication after purchase to the e-mail address (See at least column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 6, lines 1-15, wherein an email address is provided by the first user and the communication is sent to this email address).

Klingman discloses a system that records identification of a purchase and allowing a purchasing customer to rate the purchased item after a period of user (i.e. Klingman ensures that a rater has actually bought and preferably used the product prior to review). Geerlings discloses scheduling and planning communications with customers based on specific product purchases and provided email addresses (i.e. information is provided and recorded at time of purchase and used for further communications). It is known in the art of e-commerce that a purchaser will provide "bill to" and "ship to" contact information at the time of purchase and that these will be different in the case of a gift purchase. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the user of the product with the review request (i.e. targeted communication) in order to more efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers who are users of the product. See at least column 3, lines 25-40, of Geerlings, and Klingman, column 9, lines 5-20 and 40-50.

29. As per claim 13, Klingman teaches a method wherein the item is a book, a time to evaluate an item after purchase, and a time to infer when the customer has evaluated the item (See column 8, lines 22-25, column 9, lines 9-13 and 41-46, and column 20, lines 55-59, which

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discusses using an item and, based on the usage over a period of time, forming an opinion about the quality of said item. See column 12, lines 35-42, wherein the item purchased and reviewed is a book).

However, while Klingman discloses a book and a time to evaluate an item after purchase (see column 9, lines 41-46), Klingman does not expressly disclose estimating a time based at least in part on the length of the book or inferring based on the type of book.

Geerlings teaches sending a communication to a consumer a certain determined amount of time after the purchase of a specific item (See at least column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 13, lines 45-55, wherein a communication is sent to a consumer at a certain scheduled amount of time after the purchase of a specific item).

However, Geerlings does not expressly disclose determining this amount of time for the specific item based in part on the length of a book or the type of book.

It is old and notoriously well known that a customer must first use an item before being able to form an opinion about the quality of said product. Geerlings discloses sending scheduled follow-up communications for purchased items at a specific time after the purchase of a specific item. Klingman also discloses follow-up evaluations provided by customers for purchased item types such as books, as stated in column 4, lines 60-62, and column 9, lines 40-45, and that a book is an item purchased electronically, as stated above. Furthermore, it is old and well known that a common way to use a book is to read the book and the time this usage (reading) takes depends on factors such as its length and type. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to send a customer an evaluation to rate an

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item after the customer had had enough time to use the item because doing so would increase the accuracy of the reviews provided by the customers by ensuring that the customer has ample knowledge about the product he/she is rating.

30. As per claim 22, claim 22 is rejected using the same art and rationale as applied in the rejection of claim 10.

31. As per claim 23, claim 23 is rejected using the same art and rationale as applied in the rejection of claim 10.

32. As per claim 25, Klingman does not expressly disclose a method where the review request is selectively delivered on one of a weekend and a holiday.

Geerlings discloses where the communications is delivered electronically and the communications delivery would be planned and scheduled (See at least column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 13, lines 45-55, wherein a communication is sent to a consumer at a certain scheduled amount of time after the purchase of a specific item).

However, Geerlings does not expressly disclose that the communications are sent on a weekend or holiday.

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item. Geerlings discloses scheduling and planning communications with customers at a certain period of time after the purchase of a specific product. It would have been obvious to one of ordinary skill in the art at the time of the invention to send out the review request of Klingman using the communication planning and scheduling system of Geerlings in order to more efficiently achieve marketing goals by ensuring

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that pertinent and timely communications are made to customers. See at least column 3, lines 25-40, of Geerlings.

Furthermore, Geerlings teaches that a communications delivery would be planned, scheduled, and customized to meet the marketing strategy of the merchant. It would have been obvious to one of ordinary skill in the art at the time of the invention to choose to deliver a review request on a weekend or a holiday because doing so would increase the likelihood of response by the consumer due to the fact the consumer has free time on weekends and holidays to pay bills, read newspapers, reply to surveys, run errands, etc. Furthermore, it is old and well known that unlike mail, the time frame for delivery of email can be distinctly chosen.

33. As per claim 27, Klingman discloses a method wherein a purchase and a period of use of a purchased item is needed for a customer to come to an opinion about the quality of the purchased item (See column 8, lines 22-25, and column 9, lines 9-13 and 41-46, and column 20, lines 55-59, which discusses not being able to review an item until after purchasing and item and using an item to form an opinion about the quality of said item);

having a customer enter information into an order form (See column 14, lines 41-46); and storing a Customer ID in an id table about the purchase so the customer would later review the purchased product (See at least column 10, lines 45-65).

However, Klingman does not expressly disclose making inferences based on the customer ordering a second item.

Geerlings teaches making an inference based on the customer ordering multiple items (See at least column 10, lines 15-20).

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Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item. Geerlings discloses scheduling and planning communications with customers at a certain period of time after the purchase of a specific product and based on behavior and shopping patterns of the user. It would have been obvious to one of ordinary skill in the art at the time of the invention to make inferences using the purchasing patterns of Geerlings in order to more efficiently achieve marketing goals by ensuring that pertinent communications are made to customers. See at least column 3, lines 25-40, of Geerlings. It is known in the art that customers that purchase products of a specific brand multiple times would be likely to purchase these brands again (i.e. brand loyalty).

34. As per claim 30-32, Klingman teaches a method where the item is purchased (See column 6, lines 1-10 and 35-39, column 48-51 and 61-64, column 11, lines 4-18, and column 14, lines 11-12, 22-24, 27-30, and 41-46, all of which disclose an item being purchased by a customer); and

after the purchase and a period of use of said purchased item, assuming a customer has come to an opinion on the quality of the purchased item and allowing said customer to rate said item (See column 8, lines 22-25, column 9, lines 9-13 and 41-46, and column 20, lines 55-59, which discusses using an item and, based on the usage over a period of time, forming an opinion about the quality of said item).

However, while Klingman discloses the purchase of an item and a period of use before evaluating an item (see column 9, lines 41-46), Klingman does not expressly disclose the item as a car, an audio recording, or a video, and inferring when the customer has evaluated the item related to an estimated time it will take a driver to drive a first amount driven, an estimated time

until the customer has listened to the audio recording, or an estimated time until the customer has viewed the video, respectively.

Geerlings discloses sending a communication to a consumer a certain determined amount of time after the purchase of a specific item (See at least column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 13, lines 45-55, wherein a communication is sent to a consumer at a certain scheduled amount of time after the purchase of a specific item).

However, Geerlings does not expressly disclose the item as a car, video, or audio recording, or that inferring when the customer have evaluated the item is related to an estimated time it will take a driver to drive a first amount driven, an estimated time until the customer has listened to the audio recording, or an estimated time until the customer has viewed the video, respectively.

Klingman discloses follow-up evaluations provided by customers for purchased items after a period of use, as stated in column 4, lines 60-62, and column 9, lines 40-45, and that a book is an item purchased electronically, as stated above. Geerlings further discloses sending scheduled follow-up communications for purchased items at a specific time, the specific time based on the purchase of a specific item. Since it is old and well known that a common way to use a car is to drive the car, a common way to use an audio recording is to listen to the recording, and a common way to use a video is to watch the video, it would have been obvious to one of ordinary skill in the art at the time of the invention to use this feature to estimate usage of the item for planning the scheduled time for a follow-up communication in order to increase the reliability of the review provided by the user.

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35. As per claim 33, claim 33 is rejected using the same art and rationale as applied above in the rejection of claim 13.

36. As per claim 34, claim 34 is rejected using the same art and rationale as applied above in the rejection of claim 12.

37. As per claim 36, Klingman teaches a method of requesting a review of a purchased item, the method comprising:

receiving over a network a customer order for an item purchased from an electronic catalog (See column 6, lines 1-10 and 35-39, column 48-51 and 61-64, column 11, lines 4-18, and column 14, lines 11-12, 22-24, 27-30, and 41-46, all of which disclose receiving a customer order for an item purchased from an electronic catalog); and

setting a time to allow a review request of a consumer, wherein the time is selected based on an estimated evaluation period (See column 8, lines 22-25, column 9, lines 9-13 and 41-46, and column 20, lines 55-59, which discuss using an item and, based on said usage after a period of time, forming an opinion about the quality of a product. A customer is provided a review request after purchase. See column 4, lines 20-25 and 55-62, column 10, line 40-41, and column 11, lines 4-10);

providing over the network an item review request, including a link to an electronic form, after a period of use of said purchased item by the purchasing customer (See at least figures 5 and 8c, column 8, lines 22-25, column 9, lines 9-13 and 41-46, and column 20, lines 55-59, which discuss using an item and, based on said usage after a period of time, forming an opinion about the quality of a product. A customer is provided a review request after purchase. See column 4, lines 20-25 and 55-62, column 10, line 40-41, and column 11, lines 4-10).

However, while Klingman discloses purchase and an expected period of use before evaluating an item (see column 9, lines 41-46), Klingman does not expressly disclose selecting a time to request a review or providing the communication based at least in part on the selected time.

Geerlings teaches sending a communication to a consumer a certain determined amount of time after the purchase of a specific item and initiating the communication (See at least column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 13, lines 45-55, wherein a communication is sent to a consumer at a certain scheduled amount of time after the purchase of a specific item. The communication may include email, email files, electronic documents, web pages, etc.).

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to review the purchased item. Geerlings discloses scheduling and planning communications with customers at a certain period of time after the purchase of a specific product. It would have been obvious to one of ordinary skill in the art at the time of the invention to send out the review request of Klingman using the communication planning and scheduling system of Geerlings in order to more efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers. See at least column 3, lines 25-40, of Geerlings.

38. As per claim 37, Klingman teaches a method further comprising providing the customer a request to review an item associated with the electronic catalog, the review of the item serving as a measure about the seller of said item (See column 1, lines 36-47, wherein the item's review speaks about the quality of the seller of the item. See also column 9, lines 44-46, which

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discusses reviewing an item to punish the seller of said item for poor quality. See also column 6, lines 1-10 and 35-39, column 48-51 and 61-64, column 11, lines 4-18, and column 14, lines 11-12, 22-24, 27-30, and 41-46, which disclose the item being purchased via an electronic catalog).

However, Klingman does not expressly disclose directly reviewing an item seller.

Klingman discusses a customer who purchased a product expressing his/her feelings about the seller of a product. Klingman further provides means for the customer to include comments. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the customer to directly rate an item seller to reflect the customer's opinion of the seller because doing so would streamline the method and make the scores easier to understand by showing the feelings of the customer about the seller in a less convoluted manner.

39. As per claim 38, Klingman teaches a method wherein the electronic review form allows a customer to specify his/her review. However, Klingman does not expressly disclose that the customer can specify whether the customer review is to be presented to others with the customer name or is to be presented anonymously.

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item via an electronic review form, which is later presented to buyers of the item. This form includes a comments section. Many sites in e-commerce allow a user to present a review as anonymous or with the reviewing party's identification. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow the customer to specify whether the review should be anonymous or presented with the customer's name in order to increase the response rate of customers in

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providing reviews by giving reviewers options with which they feel comfortable to provide said reviews.

40. As per claim 39, Klingman does not expressly disclose the review being used to generate a customer profile.

Geerlings discloses using events of the customer to create a customer profile, these events including complaints (See at least column 1, lines 5-15, column 2, lines 20-40, column 3, lines 20-35, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, column 7, lines 50-67, column 10, lines 35-50, and column 13, lines 45-55, wherein a customer profile is created and stored in the system. This profile is used to target communications to the users, such as at specific times after the purchase of a specific item).

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item. Geerlings discloses scheduling and planning communications with customers based on specific product purchases or behaviors, such as complaints, that are stored in the customer's profile. It would have been obvious to one of ordinary skill in the art at the time of the invention to create a customer profile in the system of Klingman using purchase and communication records in order to more efficiently achieve marketing goals by ensuring that pertinent communications are made to customers, the relevance of a communication judged by the stored profile. See at least column 3, lines 25-40, of Geerlings.

41. As per claim 40, Klingman teaches a method wherein a customer comes to an opinion about the quality of the purchased item after the purchase and a period of using said purchased item (See column 8, lines 22-25, column 9, lines 9-13 and 41-46, and column 20, lines 55-59,

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which discuss using an item and, based on said usage after a period of time, forming an opinion about the quality of a product). However, Klingman does not expressly teach that this evaluation period varies from a first item to a second item.

Geerlings teaches sending a communication to a consumer a certain determined amount of time after the purchase of a specific item, the specific time associated with the specific item (See at least column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 13, lines 45-55, wherein a communication is sent to a consumer at a certain scheduled amount of time after the purchase of a specific item). Klingman discloses a system that records the identification of a purchase by a customer and allows a purchasing customer to review the purchased item after purchase and after a period of use. Geerlings discloses scheduling and planning communications with customers at a specific period of time after the purchase of a specific product, the specific time based on the specific product. It would have been obvious to one of ordinary skill in the art at the time of the invention to send out the review request of Klingman using the communication planning and scheduling system of Geerlings in order to more efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers. See at least column 3, lines 25-40, of Geerlings.

**42. Claims 5, 7, 8, 21, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman (U.S. 5,950,172) and Geerlings (U.S. 5,956,693) in view of Epinions.com (screenshots of [www.epinions.com](http://www.epinions.com) from archive.org).**

43. As per claims 5 and 29, Klingman teaches a method wherein a first customer provides a review (See column 4, lines 20-25 and 55-62, column 10, lines 40-41, and column 11, lines 9-18,

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which describes the electronic receipt a review from the customer. See at least figure 5, column 9, lines 30-35 and 41-46, column 12, lines 18-30 and 50-63. See also column 5, lines 56-59, column 8, lines 19-27 and 33-38, column 20, lines 6-9, and column 14, lines 27-30, which disclose presenting a customer interested in said item with a review by a purchaser of said item). However, Klingman and Geerlings do not expressly disclose offering a reward in exchange for providing a review, wherein the reward is provided if the review satisfies a first condition, or providing a financial reward after receiving the review.

Epinions discloses offering a reward in exchange for providing a review, wherein the reward is provided if the review satisfies a first condition, and providing the financial reward after receiving the review (See pages 8 and 9, wherein a reward is provided to the user if the review satisfies a condition of being viewed and royalties (which may be redeemed for cash) are provided after the review is received).

Klingman discloses a system that records identification of a purchase by a customer, allows the purchasing customer to rate the purchased item, and allows other users to view the rating and comments of the purchasing customer. Geerlings discloses targeted communications based on a marketing plan/strategy. Epinions discloses a user entering and presenting a review of an item and the user being rewarded (financially and other ways) for providing the review after the review is received and if the review satisfies the condition of being viewed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to offer the purchaser of Klingman a reward for providing a review after the review is received and if the review meets a condition in order to increase the response rate of purchasers in providing

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reviews by offering an incentive to participate. Offering customers incentives to participate in surveys and review is well known in the art.

44. As per claim 7, Klingman discloses a method wherein the group of reviews are presented to a user (See at least figure 5, column 9, lines 30-35 and 41-46, column 12, lines 18-30 and 50-63. See also column 5, lines 56-59, column 8, lines 19-27 and 33-38, column 20, lines 6-9, and column 14, lines 27-30, which disclose presenting a customer interested in said item with reviews). However, neither Klingman nor Geerlings discloses ordering the group of reviews based on at least a first reviewer characteristic.

Epinions discloses ordering the group of reviews based on at least a first reviewer characteristic (See at least pages 19 and 20, wherein the reviews are ordered by a first user characteristic, such as review date).

Klingman discloses a system that records identification of a purchase by a customer, allows the purchasing customer to rate the purchased item, and allows other users to view the rating and comments of the purchasing customer. Geerlings discloses targeted communications based on a marketing plan/strategy. Epinions discloses presenting a user a group of opinions in an ordered and identifiable manner. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the group of reviews in an ordered manner in order to increase the user friendliness of the system by presenting the information in an organized and readable manner.

45. As per claims 8 and 21, Klingman teaches a method wherein the first customer review is presented via a web page to the second customer (See at least figure 5, column 9, lines 30-35 and 41-46, column 12, lines 18-30 and 50-63. See also column 5, lines 56-59, column 8, lines 19-27

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and 33-38, column 20, lines 6-9, and column 14, lines 27-30, which disclose presenting a customer the review on a webpage). However, Klingman and Geerlings does not expressly disclose that the review is present in association with a name of the first customer.

Epinions discloses that the review is present in association with a name of the first customer (See at least pages 1, 8, and 20, which disclose presenting the review with the name of the person that provided the review).

Klingman discloses a system that records identification of a purchase by a customer, allows the purchasing customer to rate the purchased item, and allows other users to view the rating and comments of the purchasing customer. Geerlings discloses targeted communications based on a marketing plan/strategy. Epinions discloses a user entering and presenting a review of an item to a second user, the review presented along with the name of the user who provided the review. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the name of the reviewing user in the ratings and comments of Klingman in order to increase a user's trust in the ratings presented by providing the knowledge of who entered the information. See at least pages 2 and 4 of Epinions, which discusses the building of trust in the reviews.

**46. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman (U.S. 5,950,172).**

47. As per claim 26, Klingman discloses a method where a purchase and a period of use of a purchased item is needed for a customer to come to an opinion about the quality of the purchased item (See column 8, lines 22-25, column 9, lines 9-13 and 41-46, and column 20, lines 55-59,

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which discusses using an item and, based on the usage over a period of time, forming an opinion about the quality of said item); and

an item purchased can be a book (See column 12, lines 35-42).

However, Klingman does not expressly disclose that the inference is based at least on a customer survey of how long it takes consumers to read books.

It would have been obvious to one of ordinary skill in the art at the time of the invention to make an inference based on a consumer survey about books in order to form an opinion based on a consumer survey about the length of time it takes consumers to read books because doing so would provide the estimator with more accurate information with which to base his/her estimations. Furthermore, consumer surveys are old and well known in the art.

**48. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman (U.S. 5,950,172) in view of Chislenko et al. (U.S. 6,092,049).**

49. As per claim 28, Klingman teaches allowing a user to rate a previously purchased item, presenting to the customer an item purchased by the customer and allowing the user to choose whether or not he/she wants to rate said item (See at least figure 5, column 4, lines 20-24 and 55-62, column 6, lines 7-10 and 35-39, column 8, lines 19-25, column 10, lines 55-58, and column 11, lines 9-20, all of which talk about verifying that the prospective reviewer purchased the item before allowing a score to be entered. The purchaser has the ability to choose to rate the item or not based on the way they feel towards the product. See column 10, lines 41-46).

However, Klingman does not expressly disclose presenting the customer with a list of items or asking the customer.

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Chislenko et al. teaches a method further comprising presenting to the customer a list of items purchased by the customer and asking the customer if the customer wants to review one or more of the listed items (See column 4, lines 5-9, which disclose presenting a customer with a list of items and asking the customer to rate the list of items).

It would have been obvious to one of ordinary skill in the art at the time of the invention to present the customer with a list of items purchased and ask the customer to review one or more of the items because it increases the flexibility of the system and also makes the system more user friendly. When a consumer has purchased more than one product in any given time period, this functionality would remind a consumer about which multiple items were purchased as well as allow them to choose between the items purchased and pick which ones he/she feels strongly about.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown (U.S. 6,151,586) teaches a reward system for encouraging participation.

Bezos et al. (U.S. 6,029,141) discloses a customer referral system with a hyper textual catalog with reviews.

Bergh et al. (U.S. 6,112,186) discusses collaborative filtering using a user profile.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*lwd*  
bvd

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